

COUNCIL
AGENDA

JUN 11, 1975

SPECIAL

SPECIAL MEETING - JUNE 11, 1975.

TRAFFIC BY-LAW

PROPERTY SECTION - CLERKS DEPT. (Report T.L.J. and B.B.W.)

R.P. M-49 - PHEDORA SUBDIVISION - Report E.M.H. & W.P. Taylor

ONTARIO HUMANE SOCIETY - Report K.J. Sloan



City of Mississauga

MEMORANDUM

Special Council Meeting

To The Mayor and Members of
Council
Dept. _____

From Basil Clark, Q.C.
Dept. City Solicitor

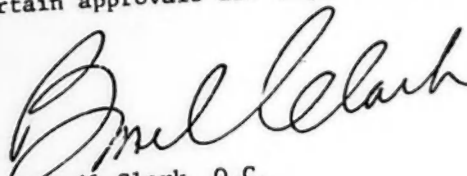
June 9, 1975.

Herewith the new Traffic By-law:

Your attention is drawn to the following changes recommended by the Traffic Co-ordinator:

1. Section 27(2) - parking meter rates have been set at 5¢ per half hour or 10¢ per hour.
2. Section 27(3) - parking meter hours have been increased to include the shopping periods on Thursday and Friday evening.
3. Section 33(3) - fines for violation have been increased to \$5.00 for a parking offence and \$10.00 for a stopping offence.

Please note that certain approvals are required as indicated in Section 36.


Basil Clark, Q.C.
City Solicitor.

LG:gb
attachments

THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER

A By-law pursuant to the Municipal Act, R.S.O. 1970, c. 284, s. 352, para. 58; s. 354(1), paras. 107 and 111; s. 364, para. 2; s. 460, para 1, 7 & 8 and s. 466, with respect to the regulation of traffic.

THE COUNCIL of the Corporation of the City of Mississauga
ENACTS as follows:

TITLE

1. This By-law may be referred to as "The Traffic By-law".

DEFINITIONS

2. In this By-law:

- (1) "authorized sign" means any sign, or any marking placed or made on a roadway, curb or sidewalk, which is authorized by Council for the purpose of regulating traffic.
- (2) "bicycle" includes a tricycle having at least one wheel of more than twenty-four (24) inches diameter, and includes a motor-assisted bicycle.
- (3) "commercial motor vehicle" means any motor vehicle with a permanently attached truck or delivery body, and includes an ambulance, hearse, Fire Department vehicle, bus and a tractor used for the purpose of hauling on the highway.
- (4) "commissioner" means the Commissioner of Engineering, Works and Building.
- (5) "crosswalk" means that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the roadway.
- (6) "heavy truck" means a commercial motor vehicle having a weight when unloaded of three tons or more, or when loaded of five tons or more.
- (7) "highway" includes a common and public highway, a street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

- (8) "holiday" includes Sunday, New Years Day, Good Friday, Easter Monday, Christmas Day, Boxing Day, Victoria Day, Dominion Day, Labour Day, and any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday.
- (9) "intersection" means the area embraced within the prolongation or connection of the curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other.
- (10) "motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter but does not include a motor-assisted bicycle.
- (11) "motor-assisted bicycle" means a bicycle with an attached motor which is driven by electricity or which has a piston displacement of not more than fifty cubic centimetres and which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.
- (12) "motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motorized vehicles running only upon rails, or a motorized snow vehicle, a motor-assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act.
- (13) "one way street" means a highway upon which vehicular traffic is limited to movement in one direction.

- (14) "parking" means the standing of a vehicle, whether occupied by a person or not, except when standing temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, and "park" when used in the verb form, shall have a corresponding meaning.
- (15) "parking meter" means an automatic or other mechanical device affixed to a standard and placed on a highway for the purpose of controlling and regulating the parking of a vehicle in a parking space by measuring the passage of a fixed period of time.
- (16) "parking space" means a portion of the surface of a highway, which is intended for the parking of motor vehicles and is designated as such by authorized signs.
- (17) "pedestrian" means a person on foot or in a wheelchair and a child in a carriage.
- (18) "public utility" includes the works pertaining to the transmission of gas and electricity, and telephone equipment.
- (19) "roadway" means that part of highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively.
- (20) "safety zone" means an area of a highway, designated as such by authorized signs, which motor or other vehicles are prohibited from entering while a pedestrian is thereon or about to enter thereon.
- (21) "school crossing" means that part of a highway, designated as such by authorized signs, which is established to facilitate the crossing of a highway by school children.
- (22) "standing" means the halting of a vehicle, whether occupied by a person or not, except for the purpose of, and while actually engaged in, receiving or discharging passengers, and "stand" when used in the verb form shall

- (22) cont'd
have a corresponding meaning.
- (23) "stopping" means the halting of a vehicle even momentarily, whether occupied by a person or not, except when necessary to avoid conflict with other traffic or except in compliance with the directions of a constable or other police officer or of a traffic signal or sign, and "stop" when used in the verb form shall have a corresponding meaning.
- (24) "traffic" includes pedestrians, ridden or herded animals, vehicles, and all other means of conveyance travelling upon a highway.
- (25) "traffic signal" means a signal-light traffic control system specified in Section 96(17) of the Highway Traffic Act.
- (26) "vehicle" includes a motor vehicle, motor-assisted bicycle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails.
3. (a) Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, except in periods when daylight saving time is in effect, in which period it shall be daylight saving time.
- (b) Any reference in this By-law to the Highway Traffic Act is a reference to the Highway Traffic Act, R.S.O. 1970, c. 202, as amended.

ENFORCEMENT AND ADMINISTRATION

4. (1) This By-law shall be enforced:
- (a) by the Peel Regional Police Force;
- (b) with respect to stopping and parking provisions only, by By-law Enforcement Officers.
- (2) This By-law shall be administered by the Commissioner.

SIGNS AND SIGNALS

5. The Commissioner is authorized to place and maintain all parking meters, and all authorized signs, traffic signs and traffic signals as are required to give effect to the provisions of this By-law.
6. (1) The Commissioner is authorized to erect emergency signs to facilitate:
 - (a) the removal of snow, ice or debris from all highways and other public property under the jurisdiction of the City,
 - (b) the construction or repair of roads, curbs, gutters, sewers and watermains, and
 - (c) the installation and repair of any public utility, provided, however, that wherever possible, such signs shall be erected at least one hour before the work is to commence.

DRIVING RULES

7. (1) No person shall drive a motor vehicle upon a sidewalk or footpath except for the purpose of driving directly across it.
- (2) Before driving onto a sidewalk, the driver or operator of a vehicle emerging from a driveway or lane shall yield the right-of-way to pedestrians upon the sidewalk.
- (3) No person shall drive a motor vehicle over a raised curb, except where a ramp is provided.

PEDESTRIAN RULES

8. No pedestrian shall proceed over or under a barrier installed,
 - (a) at a safety zone or sidewalk, or
 - (b) at any place where repairs are being made to a highway, or sidewalk, or
 - (c) where any work is in progress with respect to any public utility, or sewers, or watermains.
9. (1) No person shall play or take part in any game or sport upon a roadway.
- (2) No person on roller skates, or riding in, or by means of, any coaster, toy vehicle or similar device, shall travel on a roadway except to directly cross the roadway.

10. Except where traffic control signals are in operation, or where traffic is being controlled by a police officer, a pedestrian about to enter upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

BICYCLE RULES

11. No person shall ride a bicycle on a sidewalk.

STOPPING AND PARKING

12. (1) No person shall park or stop a vehicle on any highway or portion thereof except as follows:
- (a) where there is a raised curb, on the right side of the roadway, having regard to the direction such vehicle was proceeding, with the right front and rear wheels parallel to, and not more than twelve (12) inches from, the curb.
 - (b) where there is no curb or there is a rolled curb, on the right side of the roadway, having regard to the direction such vehicle was proceeding, with the right front and rear wheels parallel to, and as near to the right hand limit of the highway as is possible without stopping or parking on a sidewalk, footpath, boulevard or any other part of the highway not intended for the use of vehicles.
 - (c) where angle parking is permitted, with the right front bumper within twelve (12) inches of the curb or, where there is no curb, as close as possible to the right hand limit of the highway, and with the right side of the vehicle forming a 45 degree angle to the curb or edge of the highway, provided that no vehicle over 20 feet in length shall be angle parked.
 - (d) where parking spaces are designated by lines painted on the roadway, within those lines.
- (2) Where one-way traffic is permitted, the provisions of sub-section (1) shall be read to include the word "left" wherever the word "right" is used.

- (3) The provisions of sub-sections (1) and (2) do not apply where, by reason of the accumulation of snow or ice it is impossible for the driver of a vehicle to comply, provided, however, that a driver shall at all times, comply with these sub-sections as closely as is possible under the circumstances.

13. (1) No person shall stop a vehicle:
- (a) on a sidewalk;
 - (b) between a safety zone and the adjacent side of the roadway or within 100 feet of a safety zone;
 - (c) within 100 feet of an excavation, repair work or obstruction;
 - (d) on a roadway alongside another vehicle which is stopped or parked;
 - (e) on a roadway, directly opposite a vehicle stopped or parked on the other side of the roadway, where the width of the roadway is less than 30 feet;
 - (f) on a bridge, overpass or other elevated structure or within a tunnel or underpass;
 - (g) on, or adjacent to, either side or end of a centre strip separating two roadways.
14. (1) No person who sells, offers for sale, or takes orders for goods, wares, merchandise or produce from a vehicle, shall for the purpose of carrying on his business, stop the vehicle on any part of the highway lying between two intersecting highways for more than thirty minutes on any one day or for more than ten minutes within the said thirty-minute period at any one location.
- (2) Nothing in this section shall be deemed to permit the stopping or parking of a vehicle where stopping or parking is otherwise prohibited.
15. (1) No person shall park a vehicle on a highway;
- (a) within 10 feet of a fire hydrant;
 - (b) in front of a driveway or lane;
 - (c) within an intersection, or within 30 feet of an intersection;

15. (1) cont'd

- (d) on any roadway having an overall width of less than 20 feet;
- (e) on a crosswalk;
- (f) for longer than three hours;
- (g) for the purpose of washing or repairing the vehicle;
- (h) in such a position as will prevent the convenient removal of any other vehicle previously parked or standing;
- (i) within 20 feet of a point on the curb or edge of the roadway, opposite the public entrance to a hotel as defined in the Hotel Fire Safety Act, R.S.O. 1970, c. 211, or a theatre, as defined in the Theatres Act, R.S.O. 1970, c. 459 or a public hall as defined in The Public Halls Act, R.S.O. 1970, c. 376, while the premises are open to the public;
- (j) in such a manner as to obstruct traffic.

16. No vehicle parked on a highway shall display a sign indicating that it is for sale.

17. (1) When authorized signs are displayed, no person shall, in contravention thereof, park a vehicle on a highway;
- (a) at a freight loading zone during the time period indicated on the sign;
 - (b) within 100 feet of a bus stop;
 - (c) within 100 feet of the driveway of a firehall;
 - (d) within 50 feet of an intersection or within 100 feet of an intersection controlled by traffic signals;
 - (e) within 100 feet of a railroad level crossing;
 - (f) within 50 feet of a school crossing;
 - (g) adjacent to school property, between the hours of 8:00 A.M. and 6:00 P.M. Monday to Saturday inclusive;
 - (h) adjacent to a playground or park, between the hours of 8:00 A.M. and 11:00 P.M. on any day;
 - (i) within a turning basin or cul-de-sac, or within 30 feet of a cul-de-sac;
 - (j) in a public lane.

17. (1) cont'd
- (k) alongside the tracks of any railway;
 - (l) on any shoulder;
 - (2) Yellow paint applied to the face of a curb, shall be an authorized sign meaning that no vehicle shall be parked adjacent to the area painted yellow at any time.
18. Angle parking is permitted only on the highways set out in Column 1 of Schedule I to this by-law, at the sides set out in Column 2, and between the limits set out in Column 3.
19. Where authorized signs are displayed, no person shall, in contravention thereof,
- (a) park a vehicle on any highway set out in Column 1 of Schedule II to this by-law, at the sides of the highway set out in Column 2, between the limits set out in Column 3, during the times, or on the days, set out in Column 4;
 - (b) park a commercial motor vehicle on any highway set out in Column 1 of Schedule IIA to this by-law, at the sides of the highway set out in Column 2, between the limits set out in Column 3 during the times, or on the days set out in Column 4;
 - (c) stop a vehicle on any highway set out in Column 1 of Schedule III to this by-law, at the sides of the highway set out in Column 2, between the limits set out in Column 3, during the times, or on the days, set out in Column 4;
 - (d) park a vehicle on any highway set out in Column 1 of Schedule IV to this by-law, at the sides of the highway set out in Column 2, between the limits set out in Column 3, during the times, or on the days, set out in Column 4, for a longer period than that set out in Column 5.

ONE-WAY TRAFFIC

20. Where authorized signs are displayed, the highways set out in Column 1 of Schedule V to this by-law between the limits set out in Column 2, are, during the times or on the days set out in Column 3, restricted to one-way traffic in the direction set out in Column 4.

THROUGH TRAFFIC

21. (1) The highways set out in Column 1 of Schedule VI to this by-law are, between the limits set out in Columns 2 and 3, designated as through highways for the purposes of the Highway Traffic Act, except as may be provided in sub-section (2) of this section;
- (2) The designation in sub-section (1) of this section of a highway or portion of a highway as a through highway shall not include any intersection thereon where the highway intersected is a King's Highway or Regional Municipality of Peel highway, or where traffic control signals are installed.

STOP SIGNS

22. The intersections set out in Column 1 of Schedule VII to this by-law, are designated as intersections where stop signs shall be erected facing traffic in the direction set out in Column 2.

YIELD SIGNS

23. The intersections set out in Column 1 of Schedule VIII to this by-law, are designated as intersections where yield right-of-way signs shall be erected facing traffic in the direction set out in Column 2.

HEAVY TRUCKS

24. (1) Where authorized signs are displayed, no person shall, in contravention thereof, drive a heavy truck on any highway set out in Column 1 of Schedule IX to this by-law between the limits set out in Column 2, during the times, or on the days, set out in Column 3.

24. (2) This section shall not apply to a vehicle carrying passengers or goods to or from premises abutting a highway upon which heavy trucks are prohibited, which premises cannot be reached except by way of such highway.

PROHIBITED TURNS

25. Where authorized signs are displayed, no person shall, in contravention thereof, turn a vehicle at an intersection or portion of highway set out in Column 1 of Schedule X to this by-law, while proceeding in the direction or emerging from the property set out in Column 2, in the direction set out in Column 3, during the times or days set out in Column 4.
26. Where authorized signs are displayed, the centre lanes of those highways set out in Column 1 of Schedule XI to this by-law, between the limits set out in Column 2, are to be used for left turns only.

HALF LOAD LIMIT

27. The provisions of sub-sections 4 and 5 of Section 66 and of Section 77 of the Highway Traffic Act shall apply to all highways under the jurisdiction of the Corporation of the City of Mississauga during the period commencing on the first day of March, to and including the thirtieth day of April in each and every year, except the highways set out in Column 1 of Schedule XII to this by-law, between the limits set out in Columns 2 and 3.

PARKING METER CONTROL

28. (1) The erection, maintenance and operation of parking meters is authorized on those highways set forth in Column 1 of Schedule XIII, at the sides of the highway set out in Column 2, between the limits set out in Column 3 for the maximum period set out in Column 4.
- (2) Notwithstanding any other provisions of this by-law, where parking meters are authorized, no person shall park a vehicle in a parking space governed by a parking meter without paying a fee, by depositing in the parking meter the sum of five cents (5c) for each half hour or ten cents (10c) for each hour up to the maximum permissible parking period specified for that parking space in

- (3) The provisions of sub-section (2) shall apply between the hours of 9:00 A.M. and 6:00 P.M. on Monday, Tuesday, Wednesday and Saturday and between the hours of 9:00 A.M. and 9:00 P.M. on Thursday and Friday, holidays excepted.
- (4) No person shall allow a vehicle to remain parked in a parking space governed by a parking meter beyond the maximum period specified for that parking space in Schedule XIII to this by-law.
- (5) No person shall park a vehicle in a parking space governed by a parking meter unless the front of such vehicle is aligned as closely as possible with the parking space.
- (6) No person shall park a vehicle in a parking space governed by a parking meter unless it is wholly within that parking space, and if the vehicle is of such length as to necessitate the use of two spaces, the person parking the vehicle shall comply with the provisions of this section with respect to both parking meters.
- (7) No person shall deposit or cause to be deposited in any parking meter a slug, device or other substitute for a coin of the Dominion of Canada or the United States of America.

SPEED LIMITS

- 29. When any portion of a highway set out in Column 1 of Schedule XIV to this by-law, between the limits set out in Column 2, is marked in compliance with the regulations under the Highway Traffic Act, the maximum rate of speed thereon shall be the rate of speed prescribed in Column 3.

GENERAL

- 30. The Commissioner is authorized to issue permits on behalf of the City of Mississauga under Section 65 of the Highway Traffic Act.
- 31. Where compliance herewith would be impracticable, the provisions of Sections 7, 12, 13, 15, 17, 19, 24, 25 and 28 of this by-law shall not apply to:
 - (a) ambulances, police or fire department vehicles, public utility emergency vehicles; or

- (b) vehicles actually engaged in works undertaken for or on behalf of the Corporation of the City of Mississauga, or any municipal corporation or public transit commission.
32. The Schedules referred to in this by-law shall form part of this by-law and each entry in a Column of such a Schedule shall be read in conjunction with the entry or entries across therefrom and not otherwise.

PENALTIES

33. Every person convicted of a violation of any of the provisions of this by-law shall be subject to a fine of not more than ten dollars for the first offence and not more than twenty-five dollars for every subsequent offence, exclusive of costs.

PARKING TAGS

34. (1) Where a member of the Peel Regional Police Force or a By-Law Enforcement Officer finds a vehicle parked in contravention of any of the stopping and parking provisions of this by-law, he shall attach to the vehicle a parking tag, in the form of a serially numbered notice, stating:
- (a) the permit or licence number and a description of the vehicle;
 - (b) that the vehicle is unlawfully parked;
 - (c) the date, time and place of offence.
- (2) The parking tag shall be prepared in triplicate and the police officer or By-Law Enforcement Officer shall attach one copy to the vehicle, deliver one copy to the Chief of Police, in the case of a police officer, or the Commissioner, in the case of a By-Law Enforcement Officer, and retain one copy.
- (3) The owner or operator of a vehicle may, within 5 days (exclusive of Saturdays, Sundays and other holidays), after the date when the tag is attached to the vehicle, pay a fine of \$5.00 for any parking offence or \$10.00 for any stopping offence in accordance with the instructions set out on the tag.

34. (4) The sums specified in sub-section (3) of this section shall be accepted as payment in full of the fine for the alleged offence, and no further proceedings shall be taken under this by-law with respect to that offence.

BY-LAWS REPEALED

35. By-law No. 7037, 7097 and 8744 and all amendments pertaining thereto of the Town of Mississauga; by-law no. 1965-160 and all amendments pertaining thereto of the Town of Oakville as it applies to the City of Mississauga; by-law no. 70/51 and all amendments pertaining thereto of the Town of Port Credit and by-law no. 65-46 and all amendments pertaining thereto of the Town of Streetsville be and the same are hereby repealed.

EFFECTIVE DATE

36. This by-law comes into force on the date it receives the approval of the Regional Municipality of Peel, provided that
- (1) the provisions respecting connecting links must also be approved by the Ministry of Transportation and Communications, and
 - (2) the provisions dealing with parking need not be approved by the Regional Municipality of Peel.

ENACTED and PASSED this

day of

, 1975.

MAYOR

CLERK



City of Mississauga

MEMORANDUM

To Mr. Frank I. Markson From Mr. Bruce B. Wilkinson
Dept. City Manager Dept. Property Agent

June 6, 1975

Dear Sir:

Re: Clerks Department-Property Section

As a result of Mr. Bruce Freeman's resignation there is a great urgency to fill the resulting gap in the property section's organization, particularly with regard to the Assessment Appeals, Property File, and Senior Appraisal and negotiation functions.

With regard to the Assessment Appeals and Property file, these functions can best be handled by transferring the responsibilities to existing staff who have been involved with them under the direction of Mr. Freeman. It is essential that these staff members be given further instruction and guidance over the next 6 months to be capable of assuming total responsibility.

The instruction and guidance can only be provided by Mr. Freeman and in this regard Mr. Freeman is prepared to assist on a part-time fee basis for 40 days over the next 6 months period at the normal per diem rate of \$250.00 per day for independent appraisers on the understanding the maximum payment is not expected to exceed \$10,000.00. Without Mr. Freeman's assistance over the next 6 months the assessment appeals and property file could not function properly and would not produce the same results. After the period of instruction it is our opinion that the systems could be carried on with normal efficiency.

RECOMMENDATION

Mr. Freeman be retained on a part time fee basis for 40 days over the next 6 months period at \$250.00 per day on the under-

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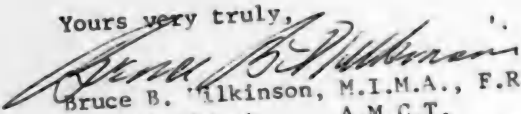
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standing the maximum payment is not expected to exceed \$10,000.00 for the purpose of completing instruction manuals and of training and guiding the staff.

The matter has been discussed with the Director of Personnel who is in agreement with the Recommendation.

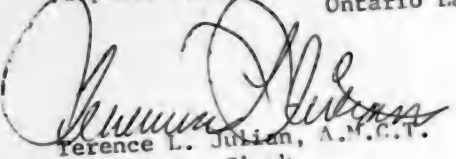
Yours very truly,

Prepared by:


Bruce B. Wilkinson, M.I.M.A., F.R.I.
Property Agent A.M.C.T.
Ontario Land Economist

BBW:iw

Approved by:


Terence L. Julian, A.M.C.T.
City Deputy Clerk

Copy to:

Mr. J. Sherlock
Director of Personnel



City of Mississauga

MEMORANDUM

To General Committee of Council,
City of Mississauga
Dept. _____

From Mr. E.M. Halliday,
Recreation and Parks
Dept. _____

June 10, 1975

SUBJECT: PHEDORA RESIDENTIAL SUBDIVISION - REGISTERED
PLAN M-49

ORIGIN: Recommendation in Engineering report to General Committee dated May 23rd, copy attached.

COMMENTS: We take note of the comments in the City Engineer's report and feel that the entire 50 foot strip from Winston Churchill Boulevard to Southdown Road should be retained in City ownership for future walkway and/or bicycle path with the fringe areas being landscape treated to have as pleasing visual effect as possible. A walkway/bicycle path system along Sheridan Creek from this northern boundary to the GO station is included in our bicycle path study and is a high priority item for development. We envision the 50 foot strip being utilized by residents of the northern section of the Park Royal community to follow the creek system down to the GO station.

No doubt it will take some time to have the existing residents whose properties back onto the greenbelt area, remove their various articles including some fencing, consequently, we would like to suggest that Mr. Farantatos not be required to carry out the grading, topsoiling and seeding of this area but rather make a cash contribution to the City instead for the cost of these works in amount to be determined by the City, and that the City develop the walkway/bicycle path and landscaping in conjunction with the Sheridan Creek walkway/bicycle path system.

RECOMMENDATION: That the City retain ownership of the 50 foot greenbelt area along the southerly boundary of Mr. Farantatos' site and that Mr. Farantatos not be required to carry out the grading, topsoiling, and seeding of this area as per his existing Engineering agreement but rather make a cash contribution to the City instead for the costs of these works in an amount to be determined by the City and that the City develop a walkway and bicycle path system with

General Committee of Council
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June 10, 1975

landscaping when the Sheridan Creek walkway/
bicycle path system is established, and further,

That the City send a registered letter to all
the existing owners whose properties back onto
the greenbelt area informing them that they are
required to remove all their property from this
area by a specific date so that this strip can
revert back to public use.

E.M. Halliday.
E.M. Halliday,
Commissioner

:ww

Attachment



City of Mississauga

MEMORANDUM

51

To Mayor & Members of

From Mr. W. P. Taylor, P.Eng.,

Dept. General Committee

Dept. Commissioner, Eng., Works & Bldg.

May 23, 1975.

Our Files: P.N. 70-074
04-00-150.2

SUBJECT: Phedora Residential Subdivision; Registered Plan M-49

ORIGIN: Letter from Mr. G. N. Farantatos, dated May 8, 1975
(copy attached)

COMMENTS: We have reviewed the above noted letter and submit same
to General Committee for consideration.

Mr. Farantatos, in the first paragraph of his letter, stated that he will have the topsoiling and seeding for the parklands pertaining to this subdivision completed by May 31, 1975, this being his agreed upon revised completion date for same.

In the second paragraph of Mr. Farantatos' letter, he makes reference to a 50' wide strip of land that is continuous along the northerly boundaries of the existing subdivision neighbourhoods of Park Royal continuous from Winston Churchill Boulevard easterly over to Erin Mills Parkway. Mr. Farantatos is required under terms of his existing engineering agreement to grade, topsoil and seed this green belt area along the southerly boundary of his subdivision site.

However, many of the residents of the Park Royal area that back onto this 50' green belt strip have taken the liberty of effectively extending their backyards into this green belt and are presently using this property for garden areas, a storage area, above ground swimming pools, or just simply as an extension to their backyard area, the majority of these residents having fenced this area in some fashion.

RECEIVED

REGISTRY NO. 41630

DATE MAY 27 1975

FILE NO. M-49

CLERK'S DEPARTMENT

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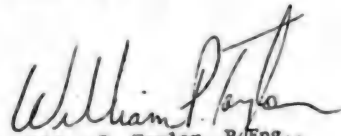
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Page 2
COMMENTS - Cont'd

Originally all the lands north of the existing residential area of the Park Royal neighbourhood between this green belt strip and the South Sheridan Way, were intended for industrial development. This 50' green belt strip was therefore intended to be a buffer zone between this existing residential neighbourhood and the industrial area along the South Sheridan Way.

It should be noted that this green belt along the southerly boundary of Mr. Farantatos' new residential development will be adjacent almost continuously within this site to a local residential collector roadway running from Winston Churchill Boulevard easterly and connecting to the South Sheridan Way at the easterly portion of Mr. Farantatos' site. Thus the rear yard areas of these existing lots will be backing onto this residential collector street and, at the present time, generally portraying a very haphazard and untidy sight.

RECOMMENDATIONS: The following is therefore recommended for consideration"

1. Mr. Farantatos be advised that he is to carry out the requirements of the existing engineering agreement and is to therefore grade, topsoil and seed this green belt area along the southerly boundary of his site, the City sending a registered letter to all the existing owners whose properties back onto this green belt area, informing them that they are required to remove all their property from this area by a specific date so that this strip can revert back to public use. (The Parks Commissioner to indicate whether or not he would utilize same by incorporating a walkway and/or a bicycle path with certain landscaping works continuous from Winston Churchill Boulevard to Erin Mills Parkway).
2. Mr. Farantatos not be required to carry out the grading, topsoiling and seeding of this area as per his existing engineering agreement, with his making a cash contribution to the City instead for the costs of these works in an amount to be determined by the City and that the City make the necessary arrangements to sell this green belt area to the existing residents whose properties back onto same in an amount also to be determined by the City and that the City construct a continuous and neat fence, when all the green belt has been disposed of to the individual owners, along the new northerly property boundaries of these existing lots.


William P. Taylor, P.Eng.,
Commissioner,
Engineering, Works & Building

SDL:psp
Enc.



City of Mississauga

MEMORANDUM

To The Mayor and Members of Council From Mr. K. J. Sloan
Dept. Director of Treasury Services

June 10th, 1975.

File: T-015

Ladies & Gentlemen:

SUBJECT: APPROVAL OF AN ONTARIO HUMANE SOCIETY
REQUEST TO MORTGAGE THEIR PREMISES LOCATED
AT 3490 MAVIS ROAD, MISSISSAUGA, ONTARIO

ORIGIN: A request by Council at their meeting of June 10th
for a further report from Treasury Department staff

COMMENTS: In reply to Council's request for further clarification
of our June 3rd, 1975 report regarding the above matter,
let me make a few points clear:

The Treasury Department was asked to comment upon the financial ability of the Ontario Humane Society to undertake further debt of a magnitude approaching \$100,000, based solely upon the 1974 audited financial statements of the Society, as a whole. Our conclusion at the outset was that it was questionable whether or not the Society would, in future, be able to generate with any degree of certainty, the cash flow necessary to cover the considerable debt it currently possesses, let alone a further \$100,000. It should be noted that this conclusion referred to the overall Ontario operation of the Society, and not merely to that of Mississauga.

Based upon this, our main concerns were as follows:

- 1) That the funds to be obtained from a further mortgage of the Mississauga facilities were to be employed solely to fund current operations of the Society for the whole of Ontario, and not merely for the benefit of Mississauga.
- 2) That there was no Federal, Provincial, Municipal, or other financially-sound body ready to "bail" the Society out if, in fact, they were unable to meet their debt obligations at some point in the future, and that incurring further debt of \$100,000 at this time may just hasten such a fate.

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June 10th, 1975.

- 3) That should this situation occur and the agreement between the City and the Society be terminated, the City would be obliged to purchase existing facilities at current market value, and that at this time the City would not in all probability, wish to be placed in such a position.
- 4) That current market value of the land plus buildings was probably in excess of \$100,000 but to what extent was unknown. As noted in Council, the City's Real Estate Department recently appraised the land in a VACANT state at a current market value of \$80,000.00, but had declined to comment upon the market value of the land and buildings together, due to the somewhat limited marketability of such facilities. Our concern was that in the event that the City wishes to liquidate these facilities, it may be rather difficult to locate a suitable buyer, and as such, the City may either be forced to sell at a loss, or to incur the cost of tearing down the buildings in order to realize \$80,000.00 on the sale of the vacant land.
- 5) That with the current agreement, in the event that the Ontario Humane Society as a whole were to become financially insolvent and forced into a state of bankruptcy, the City may in fact, not have prior claims to the Mississauga facilities, (including land), over any and all other creditors.

Prior to reporting to Council, we contacted the officials of the Ontario Humane Society and expressed these concerns to them. Further, we met with them, (Mr. Hughes and Mr. Hosegood) on June 6th, 1975 to discuss the matter. Unfortunately, other than to indicate their complete confidence in the future, they were unable to supply any concrete reasons why any or all of our concerns were not still valid, and should not be pointed out to Council.

It should be noted that this position was again taken by Mr. Hughes before Council on Monday, June 10th, 1975 when he indicated that no further report would be available from the Society.

One question seems to persist through this entire matter:

If the Ontario Humane Society is so certain of a financial turnaround in 1975 as stated by Mr. Hughes, why not utilize measures of interim financing to cover current operating costs as does the City of Mississauga, rather than incur further long-term financial debt at a high interest rate?

June 10th, 1975

Subsequent to this, on June 10th, 1975, an additional report was received from the Ontario Humane Society in which they outlined information (unaudited), which appeared to indicate that at least for 1975, a break-even situation could reasonably be expected.

This, of course still leaves the deficit of 1974, and hence the need for current funds to meet these debts. The Society has chosen to generate these funds by mortgaging its Mavis Road facilities, rather than through various means of short-term financing.

However, this report in no way indicates that even further debt will not be required in the future in order to keep the Society solvent as has been the case in the past. It is our view that such a method of financing current operations on a continual basis could quite easily bring financial collapse at some point in the near future. In this event, as noted earlier, the City would either have to assume the rather large debt owing on the facilities or face the prospect of lining up with other creditors. Without such a large incumbrance on the property, this problem would not exist.

- RECOMMENDATIONS:
- (1) After careful consideration and review of all information and data supplied to us by those concerned, we must recommend that Council at this time not grant permission to the Ontario Humane Society for a further mortgage on its Mavis Road facilities, and that Council move to amend the current agreement with the Society to ensure the City's current position is fully protected.
 - (2) That in the event Council wishes to endorse such a mortgage the attached Resolution be adopted in order to safeguard the City's position as far as possible.

Yours truly,

KJSloan

K. J. Sloan, C.A.,
Director of Treasury Services

KJS/mf

Approved by:

W. H. Munden

W. H. Munden, R.I.A.,
City Treasurer.

Basil Clark
Basil Clark, Q.C.,
City Solicitor.

RESOLUTION

SESSION 19 No.

MOVED BY _____

SECONDED BY _____

WHEREAS COUNCIL on April 7, 1975 passed Resolution #194 wherein The Corporation of the City of Mississauga consented to the Ontario Humane Society mortgaging its property at 3490 Mavis Road, Mississauga upon certain conditions;

AND WHEREAS pursuant to said Resolution the Ontario Human Society submitted its 1974 audited financial statements for scrutiny;

AND WHEREAS Council on June 9, 1975 considered a report dated June 3, 1975 from the Director of Treasury Services with respect to said audited financial statements;

AND WHEREAS The Director of Treasury Services and The City Solicitor, pursuant to a directive of Council on June 9, 1975, have submitted a further report relative to the subject matter;

RESOLUTION

SESSION 19 No.

MOVED BY _____

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SECONDED BY _____

NOW THEREFORE BE IT RESOLVED that:

1. Council Resolution #194 of April 7, 1975 is hereby affirmed, subject to the following amendments -

(a) Paragraph 4 of the Agreement dated April 21, 1967 to be further amended to provide that all the mortgage money proceeds to the Ontario Humane Society with respect to any mortgage executed pursuant to Resolution #194 be applied only to further improve the buildings and improvements on the Society's property at 3490 Mavis Road, Mississauga;

(b) The Agreement dated April 21, 1967 to be further amended to include

- i) A clause whereby the Corporation shall be notified of the name and address of any mortgagee registered against the

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RESOLUTION

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SECONDED BY

title to the said property;

- ii) A clause whereby if the interest of the Society in the said property as granted by the Agreements specified in Resolution #194 shall at any time be seized or taken in execution or in attachment by any creditor of the Society, or if the Society shall make an assignment for the benefit of creditors or, becoming bankrupt or insolvent shall take the benefit of any act that may be enforced for bankrupt or insolvent debtors, or the Society being an incorporated company, an order shall be made winding it up or accepting the surrender of its Charter, then in every case the interest of the Society in said property shall at the option of the Corporation forthwith become forfeited and determined immediately.

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RESOLUTION

SESSION 19____ No.____

MOVED BY _____

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SECONDED BY _____

(c) The Agreements specified in Resolution #194 to be registered
on the title to the said property prior to the registration of
any mortgage executed pursuant to said Resolution.

RESOLUTION

April 7th

SESSION

19 75No. 194

MOVED BY _____

SECONDED BY _____

THEREFORE be it resolved that The Corporation of the City of Mississauga consent to the Ontario Humane Society mortgaging its property at 3490 Mavis Road, Mississauga, in a total amount not to exceed \$100,000.00 at a maximum rate of 12% interest on condition that the agreements between the Society and the Corporation dated April 21, 1967, March 26, 1973, and December 23, 1974, are registered on title to the property and paragraph 4 of the Agreement dated April 21, 1967, is amended to provide that the unpaid balance of any outstanding mortgage executed pursuant to this Resolution, be set off against the value of the buildings on the property if, as and when the property and buildings are acquired by the City. This consent is conditional on the City first receiving satisfactory audited financial reports for the fiscal year of 1974. The amendment to be made to paragraph 4 of said Agreement dated April 21, 1967, shall also be registered on title to the property.